

# EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CHRISTOPHER HOWE,  
individually, and on behalf  
of all others similarly  
situated,  
  
Plaintiff,  
  
-vs-  
  
SPEEDWAY, LLC,  
  
Defendants.

No. 1:19-cv-01374

The remote discovery deposition of KOSTAS MALLIAS, called as a witness for examination, taken before MICHELLE M. YOHLER, Certified Shorthand Reporter for the State of Illinois, CSR No. 84-4531, appearing remotely in Will County, Illinois, on July 15, 2020, at 10:35 a.m.

1 KOSTAS MALLIAS,  
2 called as a witness herein, having been first  
3 duly sworn, was examined and testified as  
4 follows:

5 EXAMINATION

6 BY MR. STEPHAN:

7 Q. Kostas, can you please state and  
8 spell your full name on the record for us.

9 A. Sure. It's Kostas, K-o-s-t-a-s,  
10 Mallias, M-a-l-l-i-a-s.

11 Q. Good morning again, Kostas. We had a  
12 chance briefly to say hello before we began  
13 today.

14 Is it okay if I call you by your  
15 first name?

16 A. Yes.

17 Q. Thank you.

18 Have you ever been deposed before?

19 A. No.

20 Q. I'm going to go over a couple ground  
21 rules. And things may be a little bit different  
22 today because we are taking this remotely via  
23 Zoom, but generally I think that the ground  
24 rules still apply.

1     this litigation?

2             A.       No.

3             Q.       So going back to your work with  
4     Kronos, correct me if I'm wrong, but I think you  
5     mentioned you started there back in 2013?

6             A.       Yeah. I worked for a company called  
7     TimeLink, and we were acquired by Kronos in  
8     2013.

9             Q.       When did you start at TimeLink?

10            A.       2007.

11            Q.       And what does TimeLink do or what did  
12   TimeLink do?

13            A.       Similar to Kronos. We had software  
14   that managed and tracked employees' time.

15            Q.       For payroll purposes?

16            A.       Yes.

17            Q.       Did TimeLink also have hardware, or  
18   was it software only?

19            A.       Both hardware and software.

20            Q.       And when you started at TimeLink,  
21   what was your position?

22            A.       I was a manager.

23            Q.       How long did you hold that position?

24            A.       About three or four years, and then I

1           A.       That's --

2           MS. BERNARD:  Objection, foundation.

3                   Go ahead.

4   BY THE WITNESS:

5           A.       Yeah, it's the same algorithm that --  
6   we call it a template in the system.  So that  
7   means it's successfully enrolled from the clock  
8   and then that was sent to TimeLink Direct.

9   BY MR. STEPHAN:

10          Q.       Okay.  Like Exhibit 2 that we looked  
11   at for the InTouch device, does Exhibit 3 for  
12   the TimeLink device mention the word "algorithm"  
13   anywhere?

14          A.       I don't believe so, no.

15          Q.       Do you know if the process for  
16   creating an algorithm using the TimeLink device  
17   is the same process for creating an algorithm  
18   using the InTouch device?

19          MS. BERNARD:  Objection, foundation.

20   BY THE WITNESS:

21          A.       Yes.

22   BY MR. STEPHAN:

23          Q.       How do you know that?

24          A.       Coincidentally, the same manufacturer

1     that TimeLink used is the same one Kronos used.  
2     So it's the same algorithm, whatever they --  
3     whatever they -- the biometric user uses to  
4     create that algorithm.

5                     So it's the same for both clocks.

6             Q.     When you say "manufacturer," who are  
7     you referring to?

8             A.     I don't know who it is today. It  
9     used to be a company called Sagem, S-a-g-e-m.

10            Q.     And what did Sagem manufacture?

11            A.     The finger scan units.

12            Q.     And they manufactured those units for  
13     both the TimeLink device as well as the Kronos  
14     Touch ID device?

15            A.     Yes.

16            Q.     Do you know if they still manufacture  
17     those scanners for Kronos timekeeping devices?

18            A.     I don't believe they do. I think we  
19     use a different manufacturer.

20            Q.     Do you know when Kronos stopped using  
21     Sagem?

22            A.     I don't know.

23            MR. STEPHAN: Michelle or Andy, whoever is  
24     using exhibits, can we move to Exhibit 4, which